

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 164

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO EXTEND THE COUNCIL'S DUTIES TO INCLUDE THE MAINTENANCE OF THE LAW ENFORCEMENT EMPLOYMENT HISTORY BY AGENCY AND DATES OF SERVICE OF PEACE OFFICERS AND TO PROVIDE THAT CERTAIN PERMANENT FILES AND TRANSCRIPTS SHALL BE MADE AVAILABLE TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST WHEN A PERSON APPLIES FOR EMPLOYMENT AT THE REQUESTING AGENCY; AND AMENDING SECTION 19-5117, IDAHO CODE, TO EXTEND THE COUNCIL'S DUTIES TO INCLUDE THE MAINTENANCE OF CERTAIN FILES AND TRANSCRIPTS OF COUNTY DETENTION OFFICERS AND TO PROVIDE THAT CERTAIN PERMANENT FILES AND TRANSCRIPTS SHALL BE MADE AVAILABLE TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST WHEN A PERSON APPLIES FOR EMPLOYMENT AT THE REQUESTING AGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL – STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS – CERTIFICATION – PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation of and collection of evidence in cases involving an allegation of sexual assault or battery.

(b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions.

(c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position.

(d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers.

(e) To establish the minimum requirements of courses of study, attendance, equipment, facilities of all approved schools, and the scholastic requirement, experience and training of instructors at all approved schools.

(f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral

character, experience and such other matters as relate to the competence and reliability of peace officers.

(g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

(h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision.

(i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advance courses of instruction successfully completed by such peace officers while employed in this state and to include the law enforcement employment history by agency and dates of service of the officer. Such information shall be made available to any law enforcement agency upon request when a person applies for employment at the requesting law enforcement agency.

(j) To allow a peace officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said peace officer meets minimum physical and educational requirements of the academy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory completion of the peace officer standards and training academy, the tribal peace officer shall receive a certificate of satisfactorily completing the academy.

(2) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho Code, employed after January 1, 1974, except any elected official or deputy serving civil process, the deputy director of the Idaho state police, or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the Idaho state police, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of city police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(3) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date upon which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall decertify any officer who is convicted of any felony or offense which would be a felony if committed in this state. The council may decertify any officer who:

(a) Is convicted of any misdemeanor;

(b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or

(c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All proceedings taken by the council shall be conducted in accordance with chapter 52, title 67, Idaho Code.

(4) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action, shall, within fifteen (15) days of such action, make a report to the council.

(5) The council shall, pursuant to the requirements of this section, establish minimum basic training and certification standards for county detention officers that can be completed within one (1) year of employment as a county detention officer.

(6) The council may, upon recommendation of the juvenile training council and pursuant to the requirements of this section, implement minimum basic training and certification standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho department of juvenile corrections who are engaged in the direct care and management of juveniles.

(7) The council may, upon recommendation of the correction standards and training council, and pursuant to the requirements of this section, establish minimum basic training and certification standards for state correction officers and for adult probation and parole officers.

(8) The council may, upon recommendation of a probation training advisory committee and pursuant to the requirements of this section, establish minimum basic training and certification standards for misdemeanor probation officers.

(9) The council may reject any applicant for certification who has been convicted of a misdemeanor, and the council shall reject an applicant for certification who has been convicted of a felony, the punishment for which could have been imprisonment in a federal or state penal institution.

(10) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding the form of judgment or withheld judgment, regardless of whether the sentence is imposed, suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or withdrawn or the case is dismissed or reduced under section 19-2604, Idaho Code, or any other comparable statute or procedure where the setting aside of the plea or conviction, or dismissal or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt or conviction.

SECTION 2. That Section 19-5117, Idaho Code, be, and the same is hereby amended to read as follows:

19-5117. POWERS OF THE COUNCIL – STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF COUNTY DETENTION OFFICERS – CERTIFICATION – PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which county detention officers shall complete in order to be eligible for permanent employment as a county detention officer;

(b) To establish such basic training and certification so that it can be completed within one (1) year of employment as a county detention officer;

(c) To establish the requirements of minimum training standards for employment as a county detention officer in probationary, temporary, part-time and/or emergency situations;

1 (d) To certify county detention officers as having completed all requirements established
2 by the council in order to be eligible for permanent employment as a county detention
3 officer;

4 (e) To receive applications for financial assistance from counties and disburse available
5 state funds to the counties for salaries and allowable living expenses or any part thereof,
6 incurred while in attendance at approved training programs and schools, as authorized by
7 the council. The annual reimbursement authorized by this section shall not exceed the
8 funds available for such purpose and authorized by section 31-3201B, Idaho Code;

9 (f) To maintain permanent files and transcripts for all county detention officers certified
10 by the council to include any additional courses or advance courses of instruction
11 successfully completed by such county detention officers while employed in this state and
12 to include the law enforcement employment history by agency and dates of service of the
13 officer. Such information shall be made available to any law enforcement agency upon
14 request when a person applies for employment at the requesting law enforcement agency.

15 (2) Any county detention officer employed after July 1, 1997, shall be trained and
16 certified within one (1) year of employment. Current county detention officers, who were
17 employed prior to July 1, 1997, shall comply with the training and certification provisions of
18 this section by July 1, 1999.